

Rule 610. Religious Beliefs or Opinions.

Evidence of a witness's religious beliefs or opinions is not admissible to attack or support the witness's credibility.

Comment to 2012 Amendment

The language of Rule 610 has been amended to conform to the federal restyling of the Evidence Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

Cases

610.010 Evidence of a witness's religious beliefs may not be introduced to show an effect on the witness's credibility, and introduction of such evidence may be fundamental error.

State v. Towery, 186 Ariz. 168, 920 P.2d 290 (1996) (defendant claimed that evidence of witness's satanic beliefs might have persuaded jurors to believe that witness, rather than defendant, killed victim; once trial court sustained objection, defendant failed to make offer of proof of witness's satanic beliefs, so on record presented, evidence appeared only to go witness's credibility, thus trial court properly precluded it).

State v. Rankovich, 159 Ariz. 116, 765 P.2d 518 (1988) (evidence about person's ethnic background or religious beliefs is generally irrelevant and thus introduction of such evidence is generally improper; however, in light of overwhelming evidence of defendant's guilt, evidence that defendant was a Russian Jew was not fundamental error).

State v. Thomas, 130 Ariz. 432, 636 P.2d 1214 (1981) (error to argue that victim's religious upbringing made it more likely she would tell truth).

State v. Marvin, 124 Ariz. 555, 606 P.2d 406 (1980) (trial court properly excluded evidence of defendant's religious beliefs, intended to bolster credibility for his theory of provocation and lack of premeditation in killing wife's lover).

610.020 Evidence of a witness's religious beliefs is admissible if offered for some relevant purpose other than to show credibility.

State v. Towery, 186 Ariz. 168, 920 P.2d 290 (1996) (defendant claimed that evidence of witness's satanic beliefs might have persuaded jurors to believe that witness, rather than defendant, killed victim; once trial court sustained objection, defendant failed to make offer of proof of witness's satanic beliefs, so on record presented, evidence appeared only to go witness's credibility, thus trial court properly precluded it).

State v. West, 168 Ariz. 292, 812 P.2d 1110 (Ct. App. 1991) (because defendant first introduced subject of his religious beliefs, and because prosecutor's cross-examination was limited to exploring defendant's belief in rightfulness of his conduct, trial court did not err in admitting testimony).

State v. Stone, 151 Ariz. 455, 728 P.2d 674 (Ct. App. 1986) (witness's religious affiliation enabled her to identify garments attacker was wearing and explained why she did not tell attacker's wife what had happened when victim telephoned wife after attack).

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State v. Crum, 150 Ariz. 244, 722 P.2d 971 (Ct. App. 1986) (evidence defendant was known as “Father Tim” introduced to show identity; questioning victims about their service as altar boys introduced to show defendant’s modus operandi of developing relationship with victims so he could later seduce them; evidence of relationship between defendant and church introduced to determine whether clerical privilege applied).

610.030 When one party “opens the door” by questioning a witness about religious matters, the other party may cross-examine that witness about those religious matters.

State v. West, 168 Ariz. 292, 812 P.2d 1110 (Ct. App. 1991) (because defendant first introduced subject of his religious beliefs, and because prosecutor’s cross-examination was limited to exploring defendant’s belief in rightfulness of his conduct, trial court did not err in admitting testimony).

610.040 It is permissible to inquire into religious training to determine whether the witness knew of the wrongfulness of the acts.

State v. West, 168 Ariz. 292, 812 P.2d 1110 (Ct. App. 1991) (because defendant claimed that teachings of Bible justified his conduct toward wife, prosecutor permitted to question him about knowledge of Bible and about what kind of conduct he thought it justified).

610.050 It is permissible to inquire into the witness’s religious beliefs when the witness uses religion to justify the conduct.

State v. West, 168 Ariz. 292, 812 P.2d 1110 (Ct. App. 1991) (because defendant claimed that teachings of Bible justified his conduct toward wife, prosecutor permitted to question him about knowledge of Bible and about what kind of conduct he thought it justified).

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